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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/817,174  | 04/05/2004  | Toshihide Nozawa     | 12219/47            | 2735             |
| 23838   | 7590        | 04/19/2005           | EXAMINER            |                  |
| KENYON & KENYON<br>1500 K STREET, N.W., SUITE 700<br>WASHINGTON, DC 20005 |             |                      | COLLINS, DARRYL J   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2873                |                  |

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/817,174             | NOZAWA, TOSHIHIDE   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Darryl J. Collins      | 2873                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17-20 is/are allowed.
- 6) Claim(s) 1,6,7,13 and 14 is/are rejected.
- 7) Claim(s) 2-5,8-12,15 and 16 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04052004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskovich in view of Ning. Moskovich teaches an image-formation optical system consisting of, with respect from the object to the image side, a first meniscus lens (Figure 1, element L1) having a positive refractive power (column 3, lines 44-48), a second lens (Figure 1, element L2) having positive refractive power (column 3, lines 48-49) and an aspheric surface (column 4, lines 45-47) and a third lens (Figure 1, element L3) having a negative refractive power (column 3, lines 49-50) and an aspheric surface (column 4, lines 50-51) as claimed in independent claim 1 and dependent claim 13, but fails to teach an aperture stop positioned on the object side of the first lens as claimed in independent claim 1, a plastic second lens as claimed in dependent claim 6, a plastic third lens as claimed in dependent claim 7 or an electronic image pickup device located on the image side of the image-forming device as claimed in dependent claim 14. Ning however teaches a three element lens assembly having a first meniscus lens (Figure 1, element 16), a plastic second lens and plastic third lens both having aspheric surfaces (column 6, lines 6-9), an image pick-up (Figure 2, element 62) and an aperture stop positioned before the first meniscus lens as claimed in independent claim 1 and dependent claims 6, 7, 13 and 14.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lens assembly as taught by Moskovich modified with the well-known technique of using plastic lenses to reduce the weight of the lens assembly, an image pick-up device to display the image and an aperture stop located prior to the first lens to reduce the length of a lens assembly.

***Allowable Subject Matter***

Claims 2-5, 8-12, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. Although the prior art teaches a three lens imaging system, the prior art fails to teach such a system wherein the computational constraints are satisfied as claimed in dependent claims 2-5, 8-12 and 15-16.

Claims 17-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. Although the prior art teaches an image system consisting of, with respect from the object to the image side, a first meniscus lens having a positive refractive

power, a second lens having positive refractive power and an aspheric surface and a third lens having a negative refractive power (column 3, lines 49-50) and an aspheric surface are well known. The prior art fails to teach such a system further comprising; an aperture stop having a peripheral inclined on the image plane side so as to taper down toward the optical axis as claimed in independent claim 17, an aperture stop molded integrally with a lens barrel and constructed of the same material as the lens barrel as claimed in independent claim 18, a peripheral surface of the third lens element inclined on the object side so as to taper down toward the optical axis as claimed in independent claim 19 or a first and third lens satisfying the shape requirements as claimed in independent claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl J. Collins whose telephone number is 571-272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



djc



Scott J. Sugarman  
Primary Examiner